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SUBJECT: UNESCO EXECUTIVE BOARD PX (PROGRAM AND EXTERNAL  
RELATIONS) COMMITTEE URGES ADOPTION OF PRELIMINARY DRAFT  
CULTURAL DIVERSITY CONVENTION

REF: STATE 171993 (NOTAL)

1. Summary. The final vote was 54-1 in the UNESCO Executive Board PX Committee for the Canadian-sponsored resolution that paves the way for adoption of the current preliminary draft Cultural Diversity Convention at the October 2005 UNESCO General Conference. In discussions leading up to the vote, however, some reps (Afghanistan, Australia, Indonesia, and Japan) strongly urged further negotiations. Russia expressed doubts about the procedure concerning the Canadian resolution and Egypt generally expressed regret that the current preliminary draft version did not address all important issues. End summary.

2. The Resolution urges UNESCO's Executive Board to recommend that the General Conference consider the current 'preliminary draft' convention as a 'draft' convention and to approve it as a final UNESCO Convention at the October 2005 General Conference. (Text faxed to IO/UNESCO.) The Canadian Ambassador, in presenting the resolution, said that the current June 2005 version of the Convention, when adopted, would 'respect' international obligations 'while placing the convention on an equal footing with other international agreements.'

3. In remarks preceding the vote, the Japanese Ambassador said that his country's doubts about some aspects of the convention had not yet been overcome. He stressed that Japan did not view this Cultural Diversity Convention as superceding rights and obligations derived from other international agreements and asked his counterparts to state explicitly their agreement with this interpretation in the debates. He concluded by strongly urging further negotiations.

4. Australia's representative characterized as 'incoherent' the derogation clause of the current preliminary draft version (Article 20), pointing to the internally inconsistent language on whether the preliminary draft Convention could supersede current international obligations. She also expressed reservations about the unclear and potentially expansive definition of cultural goods and services.

5. Indonesian and Afghan representatives advocated further negotiations in order to achieve consensus. (Note. Both the Indonesian representative, who will likely be the next chairman of the Executive Board, and the Ambassador from Afghanistan, a long-time UNESCO Secretariat official who became Ambassador after retiring from UNESCO, have a strong interest in maintaining the tradition of consensus. End note.)

6. The Russian representative objected strongly to the 'artificially accelerated' procedure set forth in the Canadian resolution, but noted that his country would vote for the adoption of the Convention in October.

7. The Egyptian representative noted that the present draft Convention did not address all the important issues and seemed to favor more negotiation. (Comment. In a recess, The Algerian Ambassador told poloff that the Egyptian remarks had been misunderstood and that the entire Arab group was in strongly favor of the Canadian resolution and the adoption of the June 2005 version of the preliminary draft Convention.)

8. During the interventions we saw the emergence of group positions. The Brazilian ambassador claimed he spoke for the Latin Union, which includes Latin American and other countries, the UK ambassador spoke for the EU, and the Tanzanian ambassador said he spoke for the whole Africa group.

9. Per instructions (ref), Ambassador Oliver's interventions stressed the need for more negotiations on this important document. Her speech was apparently respectfully received. Remarks will be distributed and posted on Mission website. They will also be sent to IIP for distribution in the Washington File.

¶10. At the end of discussions, Ambassador Oliver invoked a roll-call vote. (Note. Votes, especially roll-call votes, are unusual in UNESCO, which generally works by consensus. End Note.) Despite reservations expressed in discussions, all countries save Australia voted for the resolution. Australia, citing instructions from its capital, abstained. Japan raised reservations about the convention but voted in favor of the Canadian resolution while making the point that its support did not preclude further discussion of the convention. Pakistan and Cape Verde were absent. All other countries of the 58-member Executive Board voted in favor of the Canadian resolution.

¶11. Despite Embassy Kinshasa's recent report that Congo will support us, the Congolese delegate stated he had no instructions from his capital. This points to the perennial problem at UNESCO, getting delegates to follow instructions. We will address next steps in a separate message.

Oliver